

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

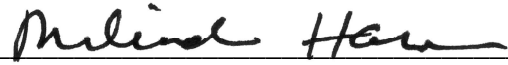
JOSEPH CHHIM,	}	
	}	
Plaintiff,	}	
VS.	}	CIVIL ACTION NO. H-08-2359
	}	
CITY OF HOUSTON,	}	
	}	
Defendant.	}	

OPINION & ORDER

Pending before the Court are Plaintiff Joseph Chhim's ("Chhim") Motion to Dismiss Initial Disclosures (Doc. 17) and Motion to Dismiss Answer to Complaint (Doc. 25). Defendant City of Houston (the "City") has not filed a response.

As set out in satisfactory detail in this Court's previous Order (Doc. 15) on October 9, 2008, the City previously moved to dismiss this action, *inter alia*, because Chhim, who brings a claim under Title VII of the Civil Rights Act of 1964, failed to exhaust his administrative remedies as the Equal Employment Opportunity Commission ("EEOC") had revoked his Right-to-Sue letter pending further investigation. This Court was unable to ascertain the validity of the claim as the City provided no proof of it beyond the pleadings. Now, in his *pro se* motions, Chhim himself provides the necessary proof that the EEOC indeed revoked his Right-to-Sue letter pending further investigation of his claim by the EEOC. See Doc. 17 Exh. E. Accordingly, Chhim may not at this time pursue his Title VII claim against the City. Chhim's Motion to Dismiss Initial Disclosures (Doc. 17) and Motion to Dismiss Answer to Complaint (Doc. 25) are DENIED-AS-MOOT. This action is DISMISSED WITHOUT PREJUDICE.

SIGNED at Houston, Texas, this 11th day of August, 2009.

A handwritten signature in black ink, appearing to read "Melinda Harmon", is written over a horizontal line.

MELINDA HARMON
UNITED STATES DISTRICT JUDGE